

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

PHILIP ROBINSON, AND MONEY
IN THE AMOUNT OF \$2,000.00
VS. PLAINTIFF-PRO-PER
DALLAS POLICE DEPARTMENT,
AND ITS LAW ENFORCEMENT
AGENTS, BEN CLICK, CATHY
HARDING, JOHN DOES, (1)(2)(3),
SALLY ZOE, AND OTHER UNKNOWN
PERSONS
DEFENDANTS

CV-100-133-R
CIVIL RIGHTS COMPLAINT
FOR MONETARY DAMAGES
PURSUANT TO 42 U.S.C.
SECTIONS 1981, 1982, 1983,
1986, 1988.

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED
JAN 19 2001
CLERK, U.S. DISTRICT COURT By _____ Deputy

PRELIMINARY STATEMENTS OF FACTS

DIRECTLY GIVING RISE TO THIS COMPLAINT

1

This action is brought because numerous members of the Dallas Police Department deliberately chose, in one sense, to read and act upon the bitter letter of the law illegally. In the bargain, this case presents facts where the Dallas Police Department willfully, and with specific intent, deliberately decieve and cheated plaintiff Robinson out of \$2,000.00 for the purpose of bringing about some financial gain to themselves and others who conspired with them in this evil and cruel act.

2.

Plaintiff individually seeks compensatory and punitive

damages for maltreatment caused by the unlawful acts of the Dallas Police Department, it's agents, John Does (1) (2) (3), Sally Zoe, and others whose identities at present are unknown to plaintiff, which resulted in the deprivation of plaintiff's Constitutional and Statutory rights.

RESTING JURISDICTION AND LEGAL STANDARDS

This action arises under the 5th, 6th, 8th, 9th, 13th, and 14th amendments, and other provisions of the United States Constitution and under 42 U.S.C.A. sections 1981, 1982, 1983, 1985, 1986, and 1988. Jurisdiction is further invoked pursuant to 28 U.S.C. 1333 and 18 U.S.C. 1331, and 1503. The amount in controversy exceeds the sum of ten thousand (\$10,000.00) dollars, exclusive of interest and cost. Plaintiff seeks inter alia, a declaration of rights under 28 U.S.C. section 2201, 2202.

4.

This court has pendent jurisdiction over state law claim. These claims derive from the same nucleus of operative facts as the Federal claims and the Federal claims are substantial. In addition, (A) by its terms, section, 1981, 1982, 1983, 1985, and 1986 creates a species of liability that on its face admits of no immunities. The language in the statutes are absolute and unqualified, and no mention is made of any privileges, immunities or defense that may be asserted. Rather the statutes impose liability upon "every person" meaning and including defendants Ben Click, John Doe, and others whose identities are unknown to plaintiff at this

time, participated in the wrongful acts complained of here in.

5.

The courts have held where federally protected rights have been invaded Federal jurisdiction can be claimed, Inter Alia, under 28 U.S.C. 1331 (a), which provides that the District Court shall have original jurisdiction over civil action wherein the matter in controversy exceeds the sum of ten thousand dollars, Bell v. Hood, 327 U.S. 678 supra, in addition, the court in Bell stated that it was a rule from the begining that courts be alert to adjust their remedies so as to grant the necessary relief "(66 S.Ct. p.777)".

6.

Moreover, plaintiff claims for damages also arise under the Constitution within the meaning of 28 U.S.C. 1331 (a) and 1343. Bivins v.s. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 402/91 S.Ct. 1999.

PARTIES

Plaintiff Philip Robinson is and was at all times complained of, an African American citizen of the United States, living in the city of Dallas, Texas.

Defendants Ben Click, Cathy Harding, John Does, (1), (2), (3), and Sally Zoe is and was at all times complained of where Dallas Police Officers and they are being sued individually and in their official capacity as Dallas Police Officers. All of these defendants were jointly acting under

color of state law.

PLAINTIFF'S FIRST CAUSE OF ACTION

Petitioner asserts the fact, that while under the care, custody, and control of the defendants. That the defendants jointly, acting under Color of State Law, willfully, wantonly, recklessly, negligently, and intentionally, conspired for the purpose of subjecting the plaintiff to a Deprivation of his Constitutional Rights because he was poor, black, ignorant, and with an IQ of 65. Whereby, this deliberate act was part of an intentional, calculated, callous and opportunistic pattern of conduct designed to discriminate and to deprive plaintiff of his property, namely two thousand dollars (\$2,000.00), without Due Process of Law. 42 U.S.C. 1981, 1982, 1983, 1985, (3) 1986, U.S. Const, 1, 4 ,5, 8, 9, 13, 14 Amendments.

PLAINTIFF'S SECOND CAUSE OF ACTION

Plaintiff further asserts the fact, that the defendants knew and did know and had actual knowledge that they were going to deprive the plaintiff out of his property, namely \$2,000.00 dollars in violation of the Equal Protection of the Law, violating 42 U.S.C. 1986, as well as the first, fourth, fifth, eighth ninth, thirteenth, and fourteenth Amendments, subjecting the plaintiff or causing the plaintiff to be subjected, to this deprivation without due process, where as, defendants who had the power to prevent, refuse to prevent the wrongs perpetrated in violation of section

1986. Causing the plaintiff suffered injury as a result.

PLAINTIFF'S THIRD CAUSE OF ACTION

Plaintiff further asserts the fact that one or more of some or all of the defendants, knew of the conspiracy to deprive plaintiff of his constitutional rights under 42 U.S.C. sec. 1981, 1983, 1985, and 1986. Yet some or all of these defendants who had the power to prevent or aid in preventing the conspiracy, deliberately refused to do so because of their racial animus and racial hostilities toward african american citizens, such as plaintiff.

PLAINTIFF'S FOURTH AND FINAL CAUSE OF ACTION

In committing the aforesaid acts, defendants intended to, and did conspire to deprive plaintiff of rights, privileges and immunities guaranteed to him by the fifth, sixth, eighth, ninth, thirteenth, and fourteenth amendments to the Constitution of the United States and by 42 U.S.C. sec., 1981, 1983, 1985, and 1986. 1985, and 1986.

IRREPARABLE INJURY

As a consequence of the foregoing actions of defendants, plaintiff has suffered and is still suffering immensely from the evil and decietful acts of the defendants who subjected plaintiff to a deprivation of his rights under the 6th, 8th, 9th, and 14th Amendments to the U.S. Constitution, and of his statutory rights under 42 sec. 1981, 1985, because of his race, age and color of his skin.

RELIEF SOUGHT

That this court enter a Declaratory Judgement, setting forth that the evil, wicked and fraudulent acts imposed upon plaintiff was violative of his rights as guaranteed by the constitution of the United States, and the State of Texas.

DAMAGES

Plaintiff, as a direct consequence and result of complained acts by defendant Click, Harding, Doe, Zoe, and others whose identities are at the present unknown to plaintiff was caused to suffer intense anxiety, distress, mental anguish, excruciating pain and humiliation by the unfair way plaintiff was swindled out of his money by defendants.

Wherefore, plaintiff respectfully request that this court grant compensatory damages for the plaintiff, set out in the amount of five million dollars against each defendant jointly and severally, for deliberately causing plaintiff great emotional and mental distress.

Award plaintiff punitive damages set out in the amount of 10 million dollars against defendants for intentionally exhibiting oppression, malice, gross negligence and for willful or wanton misconduct that amounted to a "racially motivated campaign" that deprived the plaintiff of his federally protected rights. Award attorney fees, cost and disbursement incurred in connection with this action, and such other further relief as may be just and proper.

I declare or certify and state under the penalty of perjury, that the foregoing is true and correct (28 U.S.C. 1746) on this day 17th of January, 2001.

Signed on this 17th day of January 2001.

Philip Robinson

PHILLIP ROBINSON #743748

PLAINTIFF, PRO-SE

RAMSEY I PLANTATION

1100 FM 655

ROSHARON, TEXAS 77583